

**ATTACHMENT F**

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TO: The Board of Prison Commissioners

Inmate Advocates have become more active and vocal regarding seemingly preventable problems within the Department of Prisons the past six years. We have proposed concerns and solutions on topics from more monitoring and supervision, better trained staff, consistent maintenance of a higher percentage of authorized positions filled, timely and correct GTC credit calculation, better medical care, more vocational and educational programs, fairness in religious opportunities and lack of the Department not following its own Administrative Regulations.

A four year request has been answered today with the videoconferencing of this meeting to Las Vegas, where most of our taxpaying citizens reside.

Today several of us have concerns which merit your consideration. We appreciate the opportunity to present them with the hope that Board meetings will be more frequent and business more transparent.

I ask that this presentation be made a part of today's meeting minutes.

Decisions are to be made today on DOC Administrative Regulations. Is it possible you consider moving Public Comment up on the agenda, prior to item III, in order for comments from Nevada taxpayers to be heard and heeded before decisions are made?

The Board of Prison Commissioners was established by our state constitution many years ago. One proposal offered today is that **the duties of monitoring and supervising the Department of Prisons be turned over to others:** not to the three highest elected positions in our state who have a very full agenda.

Is the timing right to **consider removing the Department of Prisons from NRS 233B, the Agency Protection Act and to devise a diversified DOC Oversight Committee or Commission** as proposed during the last legislative session. State mental health facilities and community hospitals have oversight committees and unannounced inspection via the JCAH, the Joint Commission for Accreditation of Hospitals. Even dog pounds get more monitoring and supervision than prison facilities which release 95% of their residents back to the community.

Should **the Administrative Regulations of the Department of Corrections be an issue for the Legislative Commission Subcommittee as is the case for other NV government agencies?** There are specific policies and procedures in place here with the regulations for consideration publicized for 30 days prior to a scheduled meeting. Related input can be submitted 30 days post meeting before changes are made effective. Currently one learns of DOC Administrative Regulations up for change just a few days before the meeting; there is little time to review them and offer suggestions for change. **to do so.**



We surmise that much of the reason for the "gutting" of the DOC Administrative Regulations, written by DOC staff is to attempt to prevent the large magnitude of litigations currently occurring as a result of regulations not being followed. Many offenders would come forward with problems and solutions if there wasn't the fear of retaliation for such actions. We need more specifics and details in DOC ARS not less. **AR 722** is a good example. The who what, why, when and how seem to consistently being removed.

**Here are some questions and suggestions relating to the DOC ARS in general.**

-- Leave access to the text of the current AR on the DOC website. If an AR is coming up for review leave the UNDER REVISION wording behind the title. Seeing this will call attention to the reader that this AR will probably be on the next Board of Prison Commissioner's agenda while one can still have access to the currently used AR text on this topic. Now when Under Revision appears there is no access to the AR text. This is a way to give interested readers an advance notice of a forthcoming AR change.

--Why is PROGRAM DIVISION no longer listed on the home page menu as are other department divisions like medical, prison industries, family services division? This is one of the most important of department programs: information on it must be disseminated, not eliminated.

--Why aren't the related FORMS utilized for specific ARs listed at the end of the AR as was previously done? The handy quick association of what forms for what AR application was helpful.

--Why are the ACA (American Correctional Association) references (i.e. A-4243) no longer listed at the end of the related text. Now they are all grouped together at the end of the AR. Without this association listed one cannot tell to which of many text issues is being referred. It would also help readers to understand sources of AR text if this reference and that of an NRS applicable number is also included. Many ACA requirements for accreditation are dictated from Federal Laws such as "Civil Rights of Incarcerated Persons"

--Written inquiries, grievances, or appeals submitted by most inmates deserve to be responded to by DOC staff with reasons and rationales (PL, NRS, AR reference) noted. These written responses should be legible with signature and staff DOC ID numbers included.

--Some where in the ARs it should be stipulated that inmates are to be given copies (paperproof) that they are asked to sign. Many inmates find they can go no further with a grievance or litigation because they do not have the paperproof of something having happened. One cannot comprehend why a case worker cannot give an inmate a copy of his own PSI report. As we have all hear lately this document is probably the most important item of an offender's trail following him and being used in discussions and actions regarding him from the time of sentencing until release and beyond. We also should know that, currently in Nevada, at no time is the offender given the opportunity to refute false information without much moola and an experienced lawyer.

--Does the **EFFECTIVE DATE** listed with each AR reflect the date of its signature approval of the DOC Director or of the Board of Prison Commissioners?

--Several prison issues are hidden behind the guise of being **CONFIDENTIAL**. One example that comes to mind is that inmates can be denied seeing his own medical record. (AR 639) The AR should stipulate that an inmate a review of his own medical records can be done, under medical staff supervision, a minimum of one time each year. The AR should also state that a medical summary is given an inmate at the time of his release.

Another blatant example of **misuse of confidentiality** labeling is that of information and psychosexual testing results done by or for the Certification Panel, commonly called the **PSYCH PANEL** is not shared with the inmate being considered for his/her panel consideration as not being a high risk for recidivism. DOC staff and victims are allowed to give statements to the Psych Panel regarding an inmate without his having



knowledge that something detrimental has been projected about him. There is no perjury oath given here as there is in court. The inmate in question is not given an opportunity to refute the information and no proof of the information is required. Nevertheless, the questionable information never brought forth in during sentencing, is considered in determining the individual's community risk level **AR 813** needs to be revised to reflect this and some of the new laws relevant that were passed during the last session.

Attention given to such concerns as mentioned above with opportunities of activities to keep inmates idle time filled certainly stand to diminish inmate displays of bad behavior and attitudes. Consideration for the likes of such concerns certainly increases the respect of family/friends of the incarcerated as well as sending them back to society better prepared to be good neighbors and taxpaying citizen than when they were incarcerated.

OUTSIDE AUDITS are a good check and balance technique. One area overlooked for fiscal audit accountability is that of the INMATE WELFARE FUND/OFFENDER STORE FUND. Revenues generated here accounts for over four million each year from such inmate/family sources such as inmate generated phone calls, interest on inmate mandatory savings accounts, and visiting room vending machines. Where this money is utilized should be publicized.

Time is always a factor. If you think this is the time and place I am prepared today to give examples of specific AR changes needed if such is desired.

I think I am speaking for many criminal justice advocates (many afraid to speak out in fear of retaliation) in asking for the feelings of prison board commissioners on the purpose and composition of this board. Is it time for change? One consideration should being more citizen input and support shown for the Board's task?

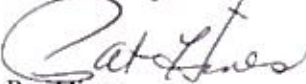
Many concerns can be resolved in ways other than via this Board. Director Skolnik has offered to meet with advocate in northern Nevada as he has previously in southern Nevada and try to work out some problem solutions. Some of these solutions would not require legislative change, merely an AR listing. We plan to accept his offer soon.

ARs are a good example for use of the M.A.S.T. principle that being issues under question should be MEASURABLE, ACHIEVABLE, SPECIFIC, and TIME ORIENTED

I am requesting that the following ARs be returned to the DOC AR review procedure (whatever it is) for further consideration ARs 100, 105, 722, 801.

I am also requesting the following ARs which have been absent from website access for over two years should be priorities for the next Board of Prison Commissioner's meeting. These ARs are 719 Visiting, 750-Mail, 821 - Group Counseling, and 840- Legal Access (if not incorporated in newly proposed AR722).

Respectfully submitted



Pat Hines

Advocate for Criminal Justice Change